



# Nevada State Board of Medical Examiners

## **\* \* \* M I N U T E S \* \* \***

### **OPEN SESSION BOARD MEETING**

**BOARD OFFICE CONFERENCE ROOM**

**1105 TERMINAL WAY, SUITE 301**

**RENO, NV 89502**

***FRIDAY, MARCH 2, 2001***

***and***

***SATURDAY, MARCH 3, 2001***

#### **MEMBERS PRESENT:**

Arne D. Rosencrantz, President  
Susan S. Buchwald, M.D., Vice President  
Paul A. Stewart, M.D., Secretary-Treasurer  
Dipak K. Desai, M.D.  
Jaculine C. Jones, Ed.D.  
Cheryl A. Hug-English, M.D.  
Joel N. Lubritz, M.D.  
Donald H. Baepler, Ph.D., D.Sc.  
Robin L. Titus, M.D.

#### **STAFF PRESENT:**

Larry D. Lessly, J.D., Executive Director  
Maureen E. Lyons, Deputy Executive Director  
Richard J. Legarza, J.D., General Counsel  
Robert A. Frantz, Financial Manager  
Bryce L. Rader, J.D., Investigator  
Charlotte M. Bible, J.D., Assistant Chief Deputy Attorney General  
John B. Lanzillotta, P.A.-C, Physician Assistant Advisor

#### **AGENDA ITEM 1**

**Call to Order and Announcements** - Arne D. Rosencrantz, President

- Introduction of New Member of Board Staff, Bryce L. Rader, J.D., Investigator
- Introduction of Newly Assigned Deputy Attorney General, Charlotte M. Bible, J.D., Assistant Chief Deputy Attorney General

The meeting was called to order by the Board President, Arne D. Rosencrantz, at 4:40 p.m. on Friday, March 2, 2001.

Mr. Rosencrantz introduced Bryce L. Rader, J.D., the board's new investigator as of January 9, 2001. Mr. Rader spoke briefly on his educational background, and stated that he is a native Nevadan and is pleased to be employed by the board.

Mr. Rosencrantz introduced Charlotte M. Bible, J.D., Assistant Chief Deputy Attorney General, who is the board's newly assigned Deputy Attorney General. Mrs. Bible advised that she has been employed by the Attorney General's Office for ten years, gave a brief synopsis of her professional background, and stated that she looks forward to working with the board.

## AGENDA ITEM 2

### Approval of Minutes

- December 1 & 2, 2000 Board Meeting - Open/Executive Sessions
- December 5, 2000 Emergency Telephone Conference Call Board Meeting - Open Session

Dr. Desai moved to accept the minutes of the December 1 & 2, 2000 Board Meeting - Open/Executive Sessions and the minutes of the December 5, 2000 Emergency Telephone Conference Call Board Meeting - Open Session. Dr. Stewart seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

## AGENDA ITEM 3

### Consideration of Proposed Enhancements to Board's Web Site [www.state.nv.us/medical/](http://www.state.nv.us/medical/) (Profiling)

Mr. Rosencrantz advised that this agenda item was tabled at the board's last meeting in December of 2000, and asked Mrs. Lyons to present the matter.

Mrs. Lyons gave an overview of the concept of offering information on the board's licensees via a verification active server page on the board's existing Web site and explained the means by which this could be accomplished as proposed by System Automation Corporation, the computer software firm from which the board's computer data base software program was purchased.

Discussion ensued, with Dr. Lubritz moving that the board provide information on its licensees via a verification active server page on the board's existing Web site, but to limit the information to what is generally found in the yellow pages of a phone book on physicians. Dr. Baepler seconded the motion.

Further discussion ensued, with Dr. Buchwald amending the motion to add a statement to the board's Web site informing of the toll-free phone number for the American Board of Medical Specialties and Dr. Baepler making a second amendment to the motion to include license status information of the board's licensees on the verification active server page.

Further discussion ensued. Mr. Rosencrantz called for the motion and the motion failed.

Dr. Buchwald moved that the board provide information on it's licensees via a verification active server page on the board's existing Web site, which information will include the licensee's name, address, telephone number, and primary scope of practice, the status and issue date of the licensee's license, and any formal disciplinary actions which the board may have taken against the license of the licensee. Dr. Baepler seconded the motion. The motion passed, with Dr. Lubritz and Dr. Desai voting against the motion, and the Chair voting in favor of the motion.

Mr. Rosencrantz directed Mrs. Lyons to provide the board with a revised proposal for the verification active server page reflecting vote of the board at the board's June meeting.

#### AGENDA ITEM 4 Personnel

##### **Executive Session to Discuss Professional Competency of:**

- Misty C. Dew, Administrative Assistant

##### **Open Session:**

- Consideration of Salary Adjustment for Misty C. Dew, Administrative Assistant
- Consideration of Proposed Investigative Department Staffing Change

Mrs. Lyons stated that Ms. Dew has been employed by the board for almost one year, has recently assumed some licensing duties, and is performing well in her capacity as Administrative Assistant. She requested the board's consideration in raising Ms. Dew's annual salary from \$17,500.00 to \$18,500.00 effective March 1, 2001.

Dr. Desai moved to raise Ms. Dew's salary to \$18,500.00 effective March 1, 2001. Dr. Titus seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

#### AGENDA ITEM 4 Consideration of Request by Paul A. Stewart, M.D., Secretary-Treasurer, for Change of Executive Director's Procedure to Advise Licensees Requiring a Visa to Practice of Extension or No-Extension Decisions through License Specialists

Discussion ensued and no action was taken by the board concerning this agenda item.

## RECESS

Dr. Desai moved that the meeting be recessed. Dr. Titus seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion. The meeting recessed at 6:55 p.m.

## SATURDAY, March 3, 2001

**MEMBERS PRESENT:** Arne D. Rosencrantz, President (departed meeting at 11:05 a.m.)  
Susan S. Buchwald, M.D., Vice President  
Paul A. Stewart, M.D., Secretary-Treasurer  
Dipak K. Desai, M.D.  
Jaculine C. Jones, Ed.D.  
Cheryl A. Hug-English, M.D. (arrived meeting at 11:15 a.m.)  
Joel N. Lubritz, M.D.  
Donald H. Baepler, Ph.D., D.Sc.  
Robin L. Titus, M.D.

**STAFF PRESENT:** Larry D. Lessly, J.D., Executive Director  
Maureen E. Lyons, Deputy Executive Director  
Richard J. Legarza, J.D., General Counsel  
Robert A. Frantz, Financial Manager  
Rebecca A. Gaul-Richard, Senior License Specialist  
Bryce L. Rader, J.D., Investigator  
Charlotte M. Bible, J.D., Assistant Chief Deputy Attorney General  
John B. Lanzillotta, P.A.-C, Physician Assistant Advisor

## AGENDA ITEM 4 (CONTINUED) Personnel

### **Executive Session to Discuss Professional Competency of:**

- Misty C. Dew, Administrative Assistant

### **Open Session:**

- Consideration of Salary Adjustment for Misty C. Dew, Administrative Assistant
- Consideration of Proposed Investigative Department Staffing Change

Mr. Legarza stated that Kasey M. Miller, Administrative Assistant to the General Counsel, will be resigning from the board upon the advent of her second child, which will require a reorganization of the investigative department. He added that he is presently considering various options for the reorganization.

Dr. Baepler moved to grant Mr. Legarza authorization to reorganize the board's investigative department as he sees fit. Dr. Jones seconded the motion, and it passed unanimously.

#### AGENDA ITEM 12

##### Acceptance of Applications for Licensure - Appearances

Dr. Desai moved to go into Executive Session to discuss the character and professional competence of applicants for licensure. The motion was seconded by Dr. Buchwald, and it passed unanimously.

#### **Executive Session**

##### 12 (a) William Harrison, M.D.

Upon returning to Open Session, Dr. Baepler moved to deny William Harrison, M.D.'s application for licensure, as per NRS 630.358(2)(b), that under all the circumstances the time of the application was not reasonable. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Buchwald moved to return to Executive Session for the same purposes as stated before. Dr. Desai seconded the motion, and it passed unanimously.

##### 12 (b) Robert Chancellor, M.D.

Upon returning to Open Session, Dr. Titus moved to deny Robert Chancellor, M.D.'s application for licensure, as per NRS 630.358(2)(b), that under all the circumstances the time of the application was not reasonable. Dr. Buchwald seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Desai moved to return to Executive Session for the same purposes as stated before. Dr. Jones seconded the motion, and it passed unanimously.

##### 12 (c) Nader Anis Armanious, M.D.

Upon returning to Open Session, Dr. Buchwald moved to deny Nader Anis Armanious, M.D.'s application for licensure, as per NRS 630.304(1) attempting to obtain a license to practice medicine by misrepresentation. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mr. Rosencrantz handed the gavel over to Dr. Buchwald at approximately 10:30am. Dr. Buchwald chaired the meeting from approximately 10:30am until the meeting's completion. Mr. Rosencrantz left the meeting at 11:05am.

Dr. Desai moved to return to Executive Session for the same purposes as stated before. Dr. Jones seconded the motion, and it passed unanimously.

12 (e) Marta Chaplynsky, M.D.

Upon returning to Open Session, Dr. Lubritz moved to deny Marta Chaplynsky, M.D.'s application for licensure, as per NRS 630.304(1), attempting to obtain a license to practice medicine by misrepresentation and NRS 630.301(3), action pending against her license to practice medicine in another state. Dr. Baeppler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Lubritz moved to return to Executive Session for the same purposes as stated before. Dr. Desai seconded the motion, and it passed unanimously.

12 (f) Leon Lis, M.D.

Dr. Hug-English joined the meeting at 11:15am.

Upon returning to Open Session, Dr. Titus moved to accept Leon Lis, M.D.'s application for licensure. Dr. Desai seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Desai moved to return to Executive Session for the same purposes as stated before. Dr. Titus seconded the motion, and it passed unanimously.

12 (d) Layfe Anthony, M.D.

Upon returning to Open Session, Dr. Titus moved to accept Layfe Anthony, M.D.'s application for licensure. Dr. Hug-English seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

12 (g) Jay Keystone, M.D.

Upon returning to Open Session, Dr. Titus moved to accept Jay Keystone, M.D.'s application for licensure with the restriction that he practice only as a Medical Director of a managed care organization for any and all periods of biennial registration of his Nevada medical license. Dr. Hug-English seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Lubritz moved to return to Executive Session for the same purposes as stated before. Dr. Hug-English seconded the motion, and it passed unanimously.

12 (h) Steven Schilperoort, M.D.

Upon returning to Open Session, Dr. Desai moved to accept Steven Schilperoort, M.D.'s application for licensure and to place the same conditions on his Nevada medical license that are currently on his license to practice medicine in Oregon. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

### AGENDA ITEM 9

#### Legislation Report - Robert R. Barengo, J.D., Legislative Counsel to the Board

- Status of SB 91, Nevada State Board of Medical Examiners Legislation
- Consideration of Board Position on SB 52, Requested by the Nevada Nurses Association to Allow Advanced Practitioners of Nursing to Prescribe and Dispense Controlled Substances
- Position of Board on Nevada State Board of Podiatry's Legislation
- Status of Other Legislation Affecting Board

Mr. Barengo reported on the current status of legislation affecting the board, including SB 52, and advised that the board's bill, SB 91, is set for hearing before the Senate Committee on Tuesday, March 6, 2001, at 8:00am. Mr. Rosencrantz, Dr. Jones, Dr. Hugh-English, and Dr. Baepler indicated that they will be present at the hearing. Dr. Titus indicated that she would be present for the hearing before the Assembly of the board's bill, whenever it may be scheduled.

Mr. Lessly reported on the bill draft request of the podiatrists, which expands their scope of practice to include amputation. The board directed Mr. Barengo to follow this bill draft request.

### AGENDA ITEM 6

#### Reports

- Diversion Program - *Oversight Committee: Consideration of Termination of Committee* - Paul A. Stewart, M.D., Chairperson
- Diversion Program - *Quarterly Report* - Carol R. Bowers, R.N., C.D., Executive Director, Nevada Health Professionals Assistance Foundation
- Physician Assistant Advisory Committee - Committee Representative
- Committee to Study Post-Licensure Continuing Competency Evaluations - Committee Members: Arne D. Rosencrantz; Susan S. Buchwald, M.D.; and Donald H. Baepler, Ph.D., D.Sc.
- Investigative Committee - Paul A. Stewart, M.D., Chairperson
- Secretary-Treasurer - Paul A. Stewart, M.D., Secretary-Treasurer  
Robert A. Frantz, Financial Manager
- Public Service Announcement Committee - *Results of Phone Survey*
  - *Consideration of Continuation of Contract with Nevada Broadcasters Association for April 1 through June 30, 2001*Committee Members: Arne D. Rosencrantz, Chairperson; Joel N. Lubritz, M.D.; and Larry D. Lessly, J.D.

**- Diversion Program - Oversight Committee: Consideration of Termination of Committee - Paul A. Stewart, M.D., Chairperson**

Dr. Stewart recommended that the Investigative Committee, acting as Diversion Program Oversight Committee, discontinue overseeing the board's Diversion Program as the program is in compliance with the board's requirements and is running well under the management of Ms. Bowers.

Dr. Baepler moved to terminate the Diversion Program Oversight Committee. Dr. Hug-English seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**- Diversion Program - Quarterly Report - Carol R. Bowers, R.N., C.D., Executive Director, Nevada Health Professionals Assistance Foundation**

Ms. Bowers distributed the Diversion Program quarterly statistical report and reviewed the report for the board. She was pleased to advise that the Nevada Health Professionals Assistance Foundation has recently received monetary donations from several Nevada hospitals.

**- Physician Assistant Advisory Committee - Committee Representative**

John B. Lanzillotta, P.A.-C thanked the board for its support of SB 78, the bill that grants authorization to physician assistants to give orders to nurses. He added that SB 78 has passed through the Senate and is pending hearing in the Assembly.

Mr. Lanzillotta advised that he has read that the Federation of State Medical Boards of the United States, Inc. will begin compiling disciplinary information on physician assistants into its data bank. Mrs. Lyons advised that the board's actions against its physician assistant licensees has always been reported to the Federation, but that the Federation, to date, has never kept a data bank of physician assistant disciplinary actions.

**- Committee to Study Post-Licensure Continuing Competency Evaluations - Committee Members: Arne D. Rosencrantz; Susan S. Buchwald, M.D.; and Donald H. Baepler, Ph.D., D.Sc.**

Dr. Buchwald advised that the committee presently had no report.

**- Investigative Committee - Paul A. Stewart, M.D., Chairperson**

Dr. Stewart reported that the Investigative Committee met with eight of the board's licensees during its meeting on Friday, March 2, 2001, and distributed the listing of cases recommended for closure by the committee for the board's review and consideration.



After a review of the cases by each board member, Dr. Desai moved to close the cases recommended for closure by the Investigative Committee. Dr. Titus seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**- Secretary-Treasurer - Paul A. Stewart, M.D., Secretary-Treasurer  
Robert A. Frantz, Financial Manager**

Mr. Frantz distributed the board's *Profit & Loss Budget vs. Actual for July 1, 2000 through March 2, 2001* and *Balance Sheet as of March 2, 2001*, and reviewed them for the board.

**- Public Service Announcement Committee - Results of Phone Survey  
- Consideration of Continuation of  
Contract with Nevada Broadcasters  
Association for April 1 through June 30,  
2001**

**Committee Members: Arne D. Rosencrantz, Chairperson; Joel N. Lubritz, M.D.; and  
Larry D. Lessly, J.D.**

Mrs. Lyons reviewed the results of the phone survey, as it appeared in the agenda books, for members. Mr. Lessly requested the board's consideration of continuing its contract with Nevada Broadcasters Association for the period April 1 through June 30, 2001, at a cost of \$5,000.00 per month for airing of the board's public service announcements.

Dr. Desai moved to continue the board's contract with Nevada Broadcaster's Association for the period April 1 through June 30, 2001, at a cost of \$5,000.00 per month. Dr. Stewart seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

#### AGENDA ITEM 7

Legal Reports - Richard J. Legarza, J.D., General Counsel  
- Charlotte M. Bible, J.D., Assistant Chief Deputy Attorney General  
- Board Ordered Terms, Conditions and Probation Status Report  
- Board Litigation Status  
- Request by Kenneth Osgood, M.D., M.P.H., for Legal Opinion

Mr. Legarza reported that:

- 1) ... the board's contract with the Nevada Health Professionals Assistance Foundation will be on the agenda of the next Board of Examiners' meeting for approval;
- 2) ... the board's motion to dismiss the petition for judicial review in District Court of Nir Y. Lorant, M.D.'s appeal of the board's action against him was granted, and the time allowed for an appeal of the matter by Dr. Lorant to the Supreme Court has expired;
- 3) ... Warren S. Gilbert, M.D.'s amended complaint against the board alleging a conspiracy by the board against him was dismissed in Federal District Court;
- 4) ... on behalf of the board, he filed a Motion to Dismiss the Petition for Judicial Review filed by Pano Concha, M.D. of the board's action taken against him; and

5) ... all licensees are currently in compliance with any and all board ordered terms, conditions and/or probation.

Mr. Legarza requested the board's consideration of approving his opinion, as it appears in the agenda book, in response to the request for a legal opinion by Kenneth Osgood, M.D., M.P.H. regarding which certain situations would be grounds for the board to initiate disciplinary action review of a licensed Nevada physician.

Discussion ensued, with Dr. Baepler moving to approve the opinion as written by Mr. Legarza as it appears in the agenda book. Dr. Hug-English seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mrs. Bible advised that a Petition for Writ of Certiorari was filed in the U.S. Supreme Court by Harriston Lee Bass, Jr., M.D. appealing the denial of his request for re-hearing of the board's action against him in the Nevada Supreme Court and requesting a re-hearing in the U.S. Supreme Court. She advised that on behalf of the board, she waived the opportunity to file a response in the matter. She added that if the Writ is granted, the board will be ordered to prepare a brief in the matter.

#### AGENDA ITEM 8

Executive Director's Report - Larry D. Lessly, J.D., Executive Director

- Maureen E. Lyons, Deputy Executive Director
- Educational Meetings: *Final Request for Approval of Member and Staff Attendance at the Federation of State Medical Boards of the United States, Inc.'s Annual Meeting, April 19 - 21, 2001, in Atlanta, Georgia*
- Request for Approval of 2000 Board Annual Report
- Consideration of Termination of Board Annual Audit of Supervising/Collaborating Physicians of Physician Assistants and Advanced Practitioners of Nursing
- Change in Physician Licensure Application Process re: Acquisition of AMA Physician Profile
- Informational Items
- **Educational Meetings: *Final Request for Approval of Member and Staff Attendance at the Federation of State Medical Boards of the United States, Inc.'s Annual Meeting, April 19 - 21, 2001, in Atlanta, Georgia***

Mr. Lessly requested final approval for Mrs. Lyons, Mr. Legarza, Ms. Zarubi, Mr. Rader, Mr. Rosencrantz, Dr. Desai, Dr. Stewart, Dr. Jones, Dr. Lubritz, Dr. Baepler, Dr. Titus, and Ms. Bowers to attend the Federation of State Medical Boards of the United States, Inc.'s annual meeting to be held in April 2001 in Atlanta, Georgia.

Dr. Desai moved to approve attendance at the Federation of State Medical Boards of the United States, Inc.'s annual meeting to be held in April 2001 by those persons listed by Mr. Lessly. Dr. Hug-English seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**- Request for Approval of 2000 Board Annual Report**

Mrs. Lyons reviewed the board's annual report for year 2000, as it appears in the agenda book. She advised that the board's disciplinary action statistics for 2000 are pending categorization the Federation of State Medical Boards of the United States, Inc.

Dr. Desai moved to approve the 2000 Board Annual Report including the pending disciplinary action statistics. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**- Consideration of Termination of Board Annual Audit of Supervising/Collaborating Physicians of Physician Assistants and Advanced Practitioners of Nursing**

Mr. Lessly advised that no audit of any supervising/collaborating physician has ever resulted in a finding of non-compliance by the supervising/collaborating physician, and, therefore, he feels that the annual auditing of these physicians is ineffectual and should be discontinued. He added that should any problem arise in the future with any supervising/collaborating physician, that audits can be performed on a case-by-case basis.

Dr. Desai moved to discontinue the board's annual audit of supervising/collaborating physicians of physician assistants and advanced practitioners of nursing. Dr. Titus seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**- Change in Physician Licensure Application Process re: Acquisition of AMA Physician Profile**

Mr. Lessly advised that the acquisition of AMA Physician Profiles on applicants for licensure is now being performed via the Internet by the board's license specialists.

**- Informational Items**

Mr. Lessly asked whether any members would be interested in serving on any of the Federation of State Medical Boards of the United States, Inc.'s committees during the upcoming year, as a letter in support of any interested board member must be sent from the board to the Federation's incumbent president. Dr. Stewart, Dr. Baepler and Dr. Titus indicated that they would be interested in serving on a future committee of the Federation. Mr. Lessly stated that he would draft support letters for the three interested board members.

Mr. Lessly advised members of the lease situation for the board's offices. He stated that upon finalization of the lease documents, he would request that a telephone conference call board meeting be held to approve the finalized lease.

Mr. Lessly advised that biennial registration renewal forms for the 2001 - 2003 period will be mailed to the board's licensees by the middle of March 2001.

AGENDA ITEM 10

Petition for Change of Status from Restricted County Licensure Per NRS 630.164 to Unrestricted Active Licensure - **Non-Appearances**

- Gregory Nielsen, M.D.

Dr. Desai moved to approve the change of licensure status from restricted county licensure to unrestricted active licensure of Gregory Nielsen, M.D., as petitioned. Dr. Hug-English seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 11

Petition for Restoration of Restricted Licensure to Full Unrestricted Licensure - **Appearance**

- Rodney G. Handsfield, M.D., License Number 5354

Mr. Legarza advised that a continuation of this matter, as requested by Rodney G. Handsfield, M.D.'s attorney, was granted, and the matter will be placed on the board's September 2001 meeting agenda for consideration.

AGENDA ITEM 13

Ratification of Licenses Issued, and Reinstatements of Licensure and Changes of Licensure Status Approved Since the December 1 & 2, 2000 Board Meeting

Dr. Desai moved to ratify the licenses issued, and reinstatements of licensure and changes of licensure status approved since the December 1 & 2, 2000 board meeting. Dr. Hug-English seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 14

Matters for Future Agenda

After some discussion, the board directed Mr. Lessly to handle the matter of obtaining and publishing in the board's next newsletter a clarification from the Nevada State Medical Association of the misinformation published in the Reno Gazette-Journal regarding the legislation which significantly modified the Nevada Medical Practice Act in 1985.

AGENDA ITEM 16

Public Comment

There was no public comment.

ADJOURNMENT

Dr. Buchwald adjourned the meeting at 2:55 p.m.